

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**RYAN SHANE O'CONNER,**

**CV No. 07-828-BR**

**Petitioner,**

**v.**

**JEAN HILL, Superintendent,  
Snake River Correctional Institution,**

**ORDER DISMISSING PETITION  
FOR WRIT OF HABEAS CORPUS  
WITHOUT PREJUDICE**

**Respondent.**

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IT IS HEREBY ORDERED that the Petition for a Writ of Habeas Corpus is dismissed without prejudice. In the event that the decision in *Blakely v. Washington*, 542 U.S. 296 (2004), is later made retroactive to cases on collateral review, Petitioner has leave to reopen this case only as to the *Blakely* issues, and the limitations period shall be deemed tolled from the date this Order is signed until sixty (60) days after the date of the decision rendering *Blakely* retroactively applicable. If *Blakely* is made retroactive and the Petitioner moves to reopen this case during the above-referenced sixty (60)-day period, Petitioner may also amend the Petition as of right so as to properly

plead all *Blakely*-based claims in this court. If the case is reopened, respondent may assert any procedural defenses that were available when this order issued.

SO ORDERED this 16<sup>th</sup> day of October, 2007.

  
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The Honorable Anna J. Brown  
United States District Judge

Submitted by:

/s/ Kristina Hellman  
Kristina Hellman  
Attorney for Petitioner